

HAMILTON COUNTY, TENNESSEE
POLICY AND PROCEDURE MANUAL
FOR COMPLIANCE WITH
“TITLE VI OF THE CIVIL RIGHTS ACT OF 1964”

I. INTRODUCTION

- A. ***Purpose:***** *The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit programs which receive federal funds from discriminating against participants or clients on the basis of race, color or national origin. The intent of the law is to insure that all persons, regardless of their race, color or national origin, are allowed to participate in these federally funded programs. To insure that Hamilton County meets its compliance responsibility, the following procedures have been established to provide for comprehensive monitoring of Title VI compliance activities and complaint processing in all operations and programs, directly or indirectly responsible to Hamilton County, all of which receive federal or state funding in whole or in part.*

The County Executive will appoint an administrative officer with staff and budget sufficient to enforce or comply with federal guidelines and criteria in order to prohibit discrimination in federally assisted programs and activities, as required by Title VI of the Civil Rights Act of 1964. The officer will, as part of his/her duties, collect and compile statistical data of minority participation in contracting and procurement by Hamilton County.

- B. ***Hamilton County, Tennessee: Functions and Organization:***** *Hamilton County government is committed to providing the highest quality of services to all residents of Hamilton County. The executive branch of the government is headed by the County Executive who is elected county wide, and the legislative branch is comprised of nine (9) members of the Board of Commissioners who are elected from their respective geographical district. The County Trustee, Clerk, Circuit Court Clerk (who also serves as the Clerk for the Civil Division of General Sessions Court), Criminal Court Clerk, Sheriff, and General Sessions Court Judges are individually responsible to the voters and autonomously operate their respective offices. The Hamilton County Election Commission is created by the general law of the State of Tennessee and is not part of political subdivisions of the State. Below are the responsibilities of the various Departments within general Government. General government also includes the County Assessor, Juvenile Court Judge and Juvenile Court Clerk:*

Health Services Division: *The major initiative undertaken within the Health*

Services Division is the expansion of primary health care services at each Health Department clinic (East Third Street, Eastside, Ooltewah and Sequoyah Health Centers) in order to adequately

address the community's primary care needs within a reformed, managed care environment. It is the responsibility of the Administrator to direct the Health Division's programs and personnel while the Health Officer formulates medical policy as well as supervises and evaluates medical personnel.

Finance Division: *The Finance Division provides all financial services to Hamilton County Government; and is responsible for developing and controlling the County budget of 250 million dollars. It also serves: (1) as financial advisor/consultant to the County Executive, County Commission and Staff; (2) as technical expert on bond issues; (3) as financial representative on special projects; and as spokesman on all financial matters. It's objectives are to advance the goals of the County Executive and County Commission; to properly manage the people's assets; to effectively provide services and support to all sections of County government; and to retain the GFOA Certificate of Excellence in Financial Reporting which has been received by the County since 1981.*

Public Works Division: *The Public Works Division is responsible for administrating and supervising the Highway, Sanitation, Building Inspection, Engineering Services, Engineering Development and Real Property Department; serves as advisor and consultant to the County Executive and County Commission, and sees that the needs of the citizens of the County are met.*

Human Services Division: *The Human Services Division is comprised of the Corrections, Development, Emergency Services, Maintenance, Recreation, and Social Services departments of Hamilton County Government. It ensures the continued operation of each department and their respective programs; pursues non-local funding for, and the successful development of, new County projects; initiates steps designed to improve the accountability of agencies funded by County Government; and researches additional ways for County Government to meet the wants and needs of area citizens in regard to recreation, social services, economic development, and corrections.*

- C. Scope:** *This policy applies to (i) all Hamilton County functions, facilities, operations, programs and projects (hereinafter referred to as "**Services**") that receive federal funds and (ii) all Services provided by sub-recipients that receive federal financial assistance through Hamilton County.*

II. TITLE VI POLICY AND PROCEDURES

- A. Policy:** *Hamilton County reaffirms its policy to afford all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:*

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

1. Prohibited Discriminatory Practices:

Hamilton County and its sub-recipients of federal funds will not:

- a. Deny any individual any services, opportunity, or other benefit for which such individual is otherwise qualified;*
- b. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;*
- c. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;*
- d. Restrict an individual in any way in the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;*
- e. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;*
- f. Address any individual in a manner that denotes inferiority because of race, color, or national origin;*
- g. Permit discriminatory activity in a facility built in whole or in part with federal funds;*
- h. Fail to advise the population eligible to be served or benefited by any federally funded program of such program's existence;*
- i. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of*

a federally funded program;

- j. Fail to provide service or information in a language other than English when significant numbers of potential or actual beneficiaries are of limited English speaking ability;*
- k. Subject an individual to discriminatory employment practices under any federally funded program whose object is to provide employment;*
- l. Locate a facility in any way which would limit or impede access to a federally-funded service or benefit.*

2. **Assurances:** *Any federal financial assistance provided to Hamilton County is conditioned on providing assurances that Hamilton County services to be benefited by the funds will operate without discrimination. Such an assurance is a contractual obligation through which Hamilton County promises to comply with Title VI regulations and promises that it will take immediate and continuing steps to effectuate this compliance. As part of the Title VI Compliance documentation, Hamilton County' assurances appear at **Appendix A**. Such assurances will also be a part of all contracts extending federal financial assistance through Hamilton County to Hamilton County's sub-recipients. A review of the sub-recipient's operations will be made within one (1) year of the sub-recipient's initial receipt of federal funds to determine compliance with the assurances. In its purchases and awarding of contracts which use federal and State funds, the County may consider the ownership, percentage of direct involvement, and participation of persons of the class protected by the 1964 Civil Rights Act, Title VI, and other applicable titles in the proposed awardee/contractor business, and may use said factor(s) in addition to the lowest and best criteria established.*

- B. Procedures:** *The Title VI Compliance Committee shall consist of the Title VI Director serving as its chair and as the County's Title VI Administrative Officer, each of the respective Administrators, the County Equal Employment Opportunity Officer, and the County Attorney as an ex-officio member. The ultimate responsibility for complying with the provisions of Title VI of the Civil Rights Act of 1964 is vested in the County Executive, who is accountable for the administration of Hamilton County and its divisions. However, the County's Title VI Administrative Officer ("**Administrative Officer**") has the responsibility of ensuring that Hamilton County Divisions ("**the Divisions**") comply with this Plan. The Hamilton County Attorney will serve as an ex-officio member of the Committee and an advisor to the Administrative Officer and the divisions in such compliance efforts.*

The County Executive will also appoint a Hamilton County Title VI Community

Monitoring Committee. This Committee will be representative of the community at large and will include women and minorities. This Committee will be chaired by the Administrative Officer and will review the approved Title VI plan during its implementation. The Committee will provide an avenue to keep the community informed of Hamilton County's progress in Title VI implementation.

*1. The responsibility for coordinating Title VI compliance within Hamilton County is assigned to and divided among the respective divisions. Each division Administrator will serve as the Title VI Divisional Coordinator ("**Divisional Coordinator**"). This Division Coordinator will be responsible for administering the compliance procedure and Title VI complaint process as outlined in this Plan for the respective division.*

a. Divisional Reporting.

I. Each Divisional Coordinator will:

- (a) Collect, analyze and report the statistical data (race, color and national origin) of participants in and beneficiaries of federal financially-assisted services provided through each respective division; such statistical data should be cross-tabulated by race and ethnic origin on such variables as (1) the number of program participants, (2) the size of the population to whom the program is directed, and where appropriate, (3) the number of applicants. The analysis will be used to:*

(1) determine how effectively programs are reaching eligible groups; (2) assist in the selection of locations for compliance reviews; (3) identify areas for additional outreach efforts; and (4) provide status reports to measure progress of program delivery.

- (b) Prepare a Title VI Self-Survey; and*
- (c) Prepare an annual compliance report based upon the division's compliance efforts.*

II. The reports will be delivered to the Administrative Officer no later than April 1st of each year starting in the year 2000. Completion of a report will be initiated solely by the respective County divisions and shall be completed by April 30th of each year.

b. Sub-recipient Reporting.

- I. *The Divisional Coordinator will be responsible for ensuring that County sub-recipients are in compliance with Title VI of the Civil Rights Act of 1964.*
 - II. *Prior to considering any entity as a potential sub-recipient through a contract with the County Divisional.*
 - (a) *These compliance determinations should be made in writing and based on written information provided by the potential sub-recipient.*
 - (b) *On-site compliance review may be conducted if the potential sub-recipient provides inadequate information. On-site compliance reviews may be unannounced.*
 - (c) *If there are weaknesses in the potential sub-recipients' program(s), action should be deferred pending prompt remedial action on the part of the potential sub-recipient.*
 - III. *Sub-recipients are expected to collect, analyze and report the statistical data (race, color and national origin) of participants in and beneficiaries of federal financially-assisted services provided through each such sub-recipient to the respective Divisional Coordinator. Divisional Coordinators will require sub-recipients to provide them with Self-Surveys and annual compliance reports. Divisional Coordinators will conduct post-award on-site reviews, if necessary.*
 - IV. *Any sub-recipient found guilty of violating the provisions of Title VI will be given a written notice of such violation and an opportunity to comply. Failure to eliminate further discrimination within thirty (30) days of receipt of notice will be considered a violation of the terms of the contract and a basis for contract suspension, termination, or rejection. Federal funds will be terminated or withheld as a punitive sanction for non-compliance.*
2. *The Administrative Officer will conduct annual reviews of the compliance reports submitted by the divisions and the sub-recipients to ensure that the*

divisions and the sub-recipients have received orientation and/or sufficient information to function in their responsibility; have received all materials required for administering the Title VI program, i.e., procedural manuals, posters, and pamphlets; and have on file a current Self-Survey indicating the status of their Title VI compliance.

- a. *The Administrative Officer will review each Self- Survey submitted by the divisions and the sub-recipients; if problems in compliance exist, they will be discussed with the respective division. If serious problems in compliance are noted, the division manager will have (15) fifteen days to respond, and an exception report will be filed with the Office of the County Attorney within fifteen days of the receipt of the exception report. Procedures for correction of non-compliance issues will be stipulated to the division or sub-recipient.*
- b. *The Administrative Officer will compile a comprehensive annual Title VI Compliance Report based upon the annual compliance reports submitted by the divisions and the sub-recipients no later than July 1st of each year starting in the year 2000. Copies of this report will be provided to the County Executive and the Board of County Commissioners. A copy will also be maintained on permanent file by the Administrative Officer and the County Clerk and will be available for audit where appropriate.*
3. *If a County employee is found guilty of any discriminatory practice based on Title VI provisions, the Administrative Officer will inform the Division Administrator who will then decide on the appropriate progressive discipline of that employee, which will be in accordance with established County disciplinary procedures. In addition, the Division Administrator may recommend special Title VI re-training for the employee in lieu of or in combination with disciplinary action for a first offense.*
- C. **Compliance Monitoring Meeting:** *For the purpose of monitoring compliance activities, the County's Compliance Committee will meet no less than annually starting in the year 2000, and at additional times as needed and called in the discretion of the Administrative Officer, to review the prior year's activities. These meetings will focus primarily on complaints filed during the year. Any significant problems of general compliance will also be addressed.*
- D. **Public Awareness and Notification:** *Pamphlets and posters designed to inform County employees, clients, and prospective clients of their obligations and rights under Title VI and of the availability of services will be distributed*

periodically to all divisions. The divisions are responsible for making these pamphlet available to each participant, client and sub-recipient and for displaying the Title VI posters in a prominent location. Pamphlets and posters will be in both English and Spanish language.

- E. **Civil Rights Training:** County employees and sub-recipients will also receive some orientation regarding the obligations and rights involved in the Title VI program. In-service training programs for all employees will be conducted by the Personnel Department and shall continually apprise staff of their responsibility to render a high quality of services to all clients regardless of their race, color, or national origin.
- F. **Compliance in Procurement Procedures:** The County will require an assurance of compliance with the Civil Rights Act of 1964 from every sub-recipient or contractor before entering into any contract which involves the purpose of care, services, or other benefits on behalf of persons served by County programs (see **Appendix A**).
- G. **Minority Participation on Planning and Advisory Bodies:**
 - 1. Whenever a planning or advisory body, such as a board or a committee is an integral part of the County's services, Hamilton County will take such steps as are necessary to ensure that minorities are notified of the existence of such bodies, and are provided equal opportunity to participate as members.
 - 2. Where members of the board or committee are appointed by Hamilton County and where minorities comprise as much as 5% of the catchment area or the surrounding community, the County will take all steps legally permissible to ensure minority representation on the board or committee.
- H. **Complaint Procedures:** A complaint alleging discrimination against Hamilton County may be filed with the Administrative Officer.
 - 1. The Administrative Officer has the primary responsibility for receiving, acknowledging, and investigating complaints and for reporting the findings to the Complaint Committee and the County Executive. Complaints must be filed in writing, preferably on the Complaint of Discrimination Form immediately sent to the Administrative Officer. The form can be filled out by the complainant or by his/her representative. The Administrative Officer should retain the original complaint, but the respective Divisional Coordinator should receive a copy of any complaints filed.
 - 2. Unless a complaint is being filed externally, all complaints should first be filed

with the Administrative Officer. The Administrative Officer will immediately notify the respective Divisional Coordinator. The Administrative Officer's investigative efforts regarding any complaints will be conducted in cooperation with the respective Divisional Coordinator whose Division is the subject of the complaint. The Administrative Officer, in cooperation with the respective Divisional Coordinator and the County Attorney has broad latitude to review a complaint and make a finding. Procedures can include, but are not limited to, discussing the complaint with the complainant, the alleged offender, and the initial reviewer, to determine the facts. The Administrative Officer will conduct and complete such fact-finding within thirty (30) consecutive calendar days after receipt of the complaint. In the event that the investigation may not be completed within this thirty (30) day time frame, the Administrative Officer and the complainant may mutually agree, in writing, to allow for additional time to determine the facts. Once the investigation is completed, the Administrative Officer will prepare a written report of findings. If the report includes a finding of violation of Title VI, the Administrative Officer should include the Division Administrator's and/or sub-recipient's proposed corrective action in the report.

- 3. The Administrative Officer will maintain a Title VI complaint log to show identifying information, type, and status of each complaint filed. When any investigation is concluded, the Administrative Officer will keep a copy of the report on permanent file. Within five (5) consecutive work days after the completion of this report, the written findings will be communicated to the complainant by the Administrative Officer. At this point, a complainant who wishes to pursue the complaint may choose to appeal the charges externally, if she/he has not done so already.*
- 4. To allow time to file sequentially with the County and then externally with an appropriate outside agency or court, as the complainant chooses, the complaint within the County system shall be filed no later than thirty (30) calendar days after the alleged discrimination occurred. If the complainant is unsatisfied with the findings or the proposed remedial action, the complainant may still file externally within any applicable statutes of limitations.*
- 5. If a complaint is filed within the County and is filed externally during the same time, the external complaint supersedes the internal complaint filing; accordingly the County's complaint procedures will be suspended pending outcome of the external complaint.*